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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/890,203	10/05/2001	Richard Humpert	60174-021	8894	
7:	590 12/02/2002				
Raymond E Scott Howard & Howard Pinehurst Office Center Suite 101 39400 Woodward Avenue Bloomfield Hills, MI 48304-5151		V	EXAMINER		
			SAETHER, I	SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER	
			3679		
			DATE MAILED: 12/02/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/890,203	HUMPERT ET AL.				
Office Action Summary	Examiner	Art Unit				
	Flemming Saether	3679				
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet with t	the correspondence address				
A SHORTENED STATUTORY PERIOD FOR I THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica - If the period for reply specified above is less than thirty (30) day - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, b - Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b). Status	FION. CFR 1.136(a). In no event, however, may a reply tion. s, a reply within the statutory minimum of thirty (30, y period will apply and will expire SIX (6) MONTHS by statute, cause the application to become ABANE.	be timely filed i) days will be considered timely. from the mailing date of this communication. DONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed of	on 05 October 2001 .					
2a) This action is FINAL . 2b)						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	undor Exparto quajro, 1000 o.b.	,				
4)⊠ Claim(s) <u>1-32</u> is/are pending in the appl	ication.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-32 are subject to restriction a	nd/or election requirement.					
Application Papers						
9) ☐ The specification is objected to by the Ex	aminer.					
10) The drawing(s) filed on is/are: a)	accepted or b) objected to by the	Examiner.				
Applicant may not request that any objection						
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by	the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
	re priority documents have been reconstruction and Bureau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for do	·					
a) The translation of the foreign langua	ge provisional application has beer	received.				
15) Acknowledgment is made of a claim for d	omestic priority under 35 U.S.C. §§	120 and/01 121.				
Attachment(s)	A) Intention: Com	omany (PTO-413) Paner No(e)				
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-93) Information Disclosure Statement(s) (PTO-1449) Paper 	948) 5) Notice of Info	nmary (PTO-413) Paper No(s) rmal Patent Application (PTO-152)				

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Art Unit: 3679

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-22, drawn to a fastener, classified in class 411, subclass 181.
- II. Claims 23-29, drawn to method of inserting a fastener, classified in class29.
- III. Claims 30-32, drawn to a tool, classified in class 227.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the sleeve could have been deformed prior to insertion into the recess.

Inventions I and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product could be made by being formed in a mold.

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Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus or tool could be used in a riveting application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention: since the application lacks drawings, the separately shown species could not be referenced.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, it is unclear which, if any claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Once, the drawings are provided, the applicant should indicate which figure and which claims are elected for the species requirement.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Flemming Saether Primary Examiner Art Unit 3679

November 30, 2002